



STATE OF MONTANA DEPARTMENT OF REVENUE JOB PROFILE

Working Title
Court Clerk

Job Code Title
Court Clerk

Pay Band
4

Job Code Number
434334

Director's Office
Legal Services
Regulatory Unit

Fair Labor Standards Act
Non-Exempt

The Montana Department of Revenue administers more than 30 state taxes and fees; establishes values for taxable property, including agricultural land, residential real estate, commercial real estate, forest land, business equipment, railroads and public utilities; supervises the operation of the state agency liquor stores and administers the laws governing the sale, taxation, and licensing of alcoholic beverages and tobacco products; returns unclaimed property to its rightful owners; and determines how state taxes and liquor and tobacco laws apply to Indian Tribes and tribal members in Indian Country.

The Director's Office supports the agency's Director and is composed of five work units: Legal Services Office; Office of Tax Policy and Research; Office of Human Resources and Organizational Development; Office of Taxpayer Assistance; and the Executive Office. The Legal Services Office provides complete legal services to all divisions and the director's Office, representing the Department of Revenue and the State of Montana before administrative boards and in state and federal courts in all litigation involving Montana taxes and liquor laws.

The Legal Services Office is comprised of the Litigation Unit, the Regulatory Unit, and the Office of Dispute Resolution (ODR). The Regulatory Unit is responsible for ensuring compliance with confidentiality requirements including Internal Revenue Service (IRS) security requirements and federal/state information exchanges and ensuring the department appropriately safeguards the integrity of confidential taxpayer information; oversight and administration of the administrative rules and department procedures to ensure these documents meet legislative intent and department practice; oversight of the department's information security, as it relates to real and electronic data, and citizen and employee access to this information; and oversight of the department's legislative implementation process. The unit also provides clerical support to the Office of Dispute Resolution.

Job Responsibilities

The Court Clerk serves as the administrative clerk to the Dispute Resolution Officer. The incumbent supports the Dispute Resolution Officer by docketing; drafting legal documents and general correspondence; conducting basic legal and technical research; initiating and maintaining legal files and records; conducting scheduling conferences for liquor matters; preparing transcripts, records, and final agency decisions for both the Dispute Resolution Officer and the Director of Revenue; and providing ongoing administrative and logistical support services. The incumbent provides backup for the Management Analyst in the Unit, as those duties relate to the administrative rules process and procedure review for the department. The position reports to the Regulatory Unit Manager and does not supervise other staff.

- **Office of Dispute Resolution Support 90%**

1. Receives and processes all appeal requests for the Office of Dispute Resolution. Creates both an electronic ODR file in the legal computer system (AMICUS) ensuring that all the pertinent information and data is appropriately captured and a hard file, which will include all legal pleadings, schedules, research, exhibits, and correspondence related to the appeal.
2. Reviews appeal documents to identify parties, appropriateness and timeliness of appeal date, and subject matter of appeal. This review may include accessing the taxpayer account in the department's automated computer system (GenTax) in order to determine the tax type, years or quarters, and subject matter at issue. In some cases, this will include contacting another agency or entity to determine information because the matter is related to a bad debt transferred to Revenue to handle.
3. Timely notifies the appropriate parties of appeal action regarding dates, times, contacts, and other pertinent details related to the conference or hearing. Attaches appropriate document to GenTax for reference by staff as needed.
4. Schedules and reschedules pre-hearing conferences and hearings to accommodate taxpayers, licensees, attorneys, department staff, and the Dispute Resolution Officer's calendars, while at the same time ensuring that required timelines are met. This scheduling process entails making telephone calls, sending electronic mail messages, and viewing multiple calendars to coordinate a conference or hearing date, time, and place. The date of the conference or hearing is calendared on the AMICUS and Outlook calendar systems and conveyed to external parties via a formal pleading document. Monitors hearings activities to ensure compliance with statutory, administrative rule, and procedural timeframes.
5. Prepares reports for the Dispute Resolution Officer, Regulatory Unit Manager, and Chief Legal Counsel indicating pending cases and a status of each. Works closely with the department staff, appellant(s), attorneys, and the Dispute Resolution Officer to implement remedies to move a case forward and comply with the statutory completion date for each case.
6. Dockets upcoming events and deadlines hearings and appraises the Dispute Resolution Officer, appellant(s), department staff, and attorneys of significant dates and changes to ensure conformance with statutory timelines. This requires a clear understanding of the statutory deadlines associated with tax matters under the Rules of Civil Procedure, Title 15, MCA, and Title 16, MCA and the Montana Administrative Procedure Act (MAPA) for the liquor license matters to ensure that the department docket the appropriate time frames for the appropriate action.
7. Assists the Dispute Resolution Officer by independently drafting a variety of administrative documents such as legal pleadings, subpoenas, reports, correspondence, and rudimentary decisions and orders. Monitors the service and exchange of subpoenas and directs subpoenaed information to all parties involved before the scheduled hearing date.
8. Maintains the electronic and hard files for all actions before the ODR. Advises the appropriate parties when the matter moves to the next phase of the process, including but not limited to, an appeal to the next level of the judicial system and when a matter has been concluded.
9. Maintains the computer system (AMICUS) with docketing and file contact information for all cases that are pending and maintains hard-copy case files throughout the life of the case. Ensures that file accessibility, relevance, conformance with retention, disposal, and confidentiality requirements are adhered to properly.
10. For liquor MAPA case actions, the incumbent completes the same review and file preparation as that of a tax matter to initiate the action before the ODR. The incumbent prepares the scheduling conference order based on the availability of parties and schedules the conference in the same manner as stated in 4 above.
11. The incumbent conducts the scheduling conference with the licensee, attorneys, and division staff to set another conference for settlement or a hearing date for a hearing to be held before the Dispute Resolution Officer.
12. Assists Dispute Resolution Officer by attending in-person hearings, where the incumbent operates the recording equipment, takes notes, receives exhibits; and other related case materials.

13. Transcribes electronic hearings into formal transcripts for routine hearings and coordinates the transcription of the more complex matters with an outside transcriptionist to ensure timely delivery.
14. Conducts independent legal research using manual and computerized resources to identify the appropriate laws, judicial decisions, legal articles, legislative history, and other background materials that are relevant to issues based on guidance from the Dispute Resolution Officer.
15. Finalizes the Final Agency Decisions (FAD) for all tax matters and the Proposed Agency Decisions for all liquor matters which are drafted by the Dispute Resolution Officer. Mails FAD to appropriate parties and posts to GenTax.
16. In cases where an Oral Argument is requested before the Director, the incumbent will assist the Director by arranging the meeting room, setting up the recording equipment, attending the meeting to record and take notes of the proceeding and prepare a transcript for review and signature by the Director. Timely provides copies of the FAD to all parties of record and posts the same to GenTax. Updates the electronic and hard files to reflect the action taken by the department.
17. Maintains the official ODR decision (FAD) binders by placing a copy in the hard library binder and one in the electronic library. The incumbent is responsible for ensuring that the confidential taxpayer information is redacted prior to the FAD being placed in these libraries.
18. Prepares the administrative record of an appeal, by compiling the FAD, exhibits, and other documents, certifying the authenticity of the record, and timely submitting the record to the appropriate higher court.
19. Answers routine ODR questions and provides information to the public. Responds to complaints about department procedures and decisions by gathering information regarding the complaints, working with the caller to resolve complaints at the lowest level, and determines who can assist the complainant when the complaint must be referred to another person for resolution.
20. May be required to testify at judicial hearings to provide clarification concerning department policy and procedural information as it applies to a particular hearing or action presented at the ODR or specific to the hearing record.
21. Provides ongoing administrative support to the Unit Manager and the Dispute Resolution Officer by reviewing and prioritizing mail; coordinating meeting and hearing facilities; travel and training arrangements; and other services as needed.

- **Administrative Rules Support (Backup) 3%**

1. Edits proposed rules, procedures, and other formal documents to ensure proper format, grammar, and phraseology as required by MAPA or any other guideline.
2. Prepares files to track rule actions. Dockets filing dates, publication dates, mailing requirements, sponsor notifications, and file closing dates in the unit's electronic tracking system and within the hard-copy file to ensure statutory notification requirements are timely fulfilled.
3. Collects and files pertinent information related to a legislative bill that may be related to the rule action, all drafts notices, correspondence, hearing materials, and replacement page documents.
4. Communicates with the Secretary of State to discuss and resolve problems that may occur with notices, format, intent, and other problems.
5. Meets with the Unit Manager and other unit staff to discuss the proper procedures, format, time frames, methods, and content of administrative rule notices prior to submission and adoption.
6. Schedules rule development meetings.
7. Assists with the preparation of proposal and adoption notices sends notices to interested parties.
8. Maintains and regularly updates interested parties lists to ensure the lists are current at all times.
9. Prepares replacement pages and posts the rule documents to the department's website in a timely manner for all stages of the rulemaking process.
10. Maintains complex electronic and hard-copy rule files and tracking logs. This includes a list of definitions from all department rules and information pertaining to all rules adopted, amended, or repealed. Ensures that the department's website includes current lists of pending subjects that department is proposing to develop.
11. Maintains the department's records retention history for each rule action.

- **Special Procedures Support (Backup) 2%**

1. Tracks procedures developed by all divisions of the department. Sets up and maintains files for each procedure in an electronic tracking system and updates the relative cross-reference tables and annotations as procedures are developed or updated. Adds these documents to the website along with new or updated procedures.
2. Prepares audio and visual aids for the Unit Manager to use in training.
3. Collects information and drafts content as directed to assist the Unit Manager in preparing reports and other documents.

- **Other Duties as Assigned 5%**

1. Performs other duties as assigned by the supervisor.

Job Requirements

To perform successfully as a court clerk, the incumbents must be self-motivated; possess a strong work ethic; maintain a positive attitude; and enjoy working with, and for, the public. Skills in multi-tasking; paying attention to details and accuracy; accountability; managing multiple priorities under tight deadlines; mathematics; providing timely and effective written, verbal and interpersonal communication; customer service; conflict resolution; legal research; compiling, analyzing, and organizing data from multiple sources; reviewing technical documents; preparation of legal documents; understanding written information; following written and oral instructions; and word processing, spreadsheet, database, and specialized legal software applications are required. This position works with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job.

This position requires knowledge of administrative and court rules; legal and technical research standards and procedures using a wide range of internal, external, online, and printed sources; word processing, spreadsheet and database systems; codes for the federal, state, and administrative court systems; English, grammar, punctuation, rule format and style requirements of the MAPA.

- The minimum level of education and job-related work experience needed as a new employee **on the first day** of work is a two-year degree in office and clerical procedures, paralegal or legal secretary and two years of job-related work experience.
 - Work experience should be made up of legal office support and research.
 - Extensive experience in legal research, rule writing, or legal office support may substitute for education if it is strongly related to the responsibilities of this position, especially in the areas of confidentiality and disclosure.
 - Other combinations of education and experience will be evaluated on an individual basis.

Department Core Values

- **Respect:** As a representative of the people of Montana, proceeds with the highest level of respect for the dignity of every person contacted through work. Without exception, all people are treated as equally as possible. The employee is a faithful steward of the resources provided to this agency by the citizens of Montana.
- **Integrity:** Conducts work honestly and makes decisions that establish a clear record that the department serves the public with integrity. Apologizes for mistakes and gives credit to others for their cooperation, work, and ideas in achieving positive results. Accountable for their actions and holds others accountable for theirs. Decisions and judgments achieve equity and justice for all parties involved including citizens and co-workers.
- **Productivity:** Consistently strives to minimize the waste of the department's financial, facilities, and human resources. Diligently works to improve the productivity and effectiveness of the work unit. Welcomes and encourages new ideas on improving the results of the department from the public, other officials, colleagues, and supervisors. Approaches work in a manner that builds goodwill, trust, and cooperation internally with other staff and externally with the public.

- **Teamwork:** Maximizes cooperation and teamwork when working with other employees, divisions, and other state agencies. Willing to work with others for the opportunity to learn from their ideas, talents, and knowledge. Seeks to resolve conflicts with other employees and work units in an open and respectful manner that reinforces teamwork. Celebrates the successes of others.

Working Conditions

Must work under time constraints, be able to maintain numerous projects at one time, and determine priorities on a daily basis. At times, the incumbent will deal with angry, hostile, and difficult individuals to resolve concerns or to bring about compliance with regulations. This may cause stressful work conditions and a high degree of mental stress. As a Department of Revenue employee, the incumbent may come into contact with highly confidential financial and tax information and is required to maintain the highest level of confidentiality regarding all information acquired or used in performing this job. This position requires considerable computer and keyboard use. The incumbent may spend considerable time on the phone. Work hours may exceed 40 hours per week from time to time. Lifting is infrequent, less than 15 pounds and includes carrying light items such as papers and books and carrying larger items such as boxes of files when preparing for or attending hearings. This job requires regular attendance as scheduled by the supervisor. This job cannot be performed at an alternate work site.

Special requirements

- **Background Examination:** Applicants for this position will be subject to a criminal background review before being considered for employment. Individual circumstances involving a criminal conviction will be reviewed to determine an applicant's eligibility for employment.
- **Compliance with All Appropriate Montana Tax Laws:** An employee's tax status must be current.

This job profile was produced by the Office of Human Resources in conjunction with the appropriate managers.

Division Administrator Review: The statements in this job profile are accurate and complete.

Signature: CA Daw, Chief Legal Counsel Date: June 2012

Human Resource Director Review: The Office of Human Resources has reviewed this job profile.

Signature: JeanAnn Scheuer, Human Resources Director Date: June 2012

Employee: My signature below indicates I have read this job profile and discussed it with my supervisor.

Signature: _____ Date: _____

Name (print): _____